

Exhibit 2



DEPARTMENT OF HEALTH & HUMAN SERVICES

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October 1, 2024

Jeffrey S. Kerr
Chief Legal Officer
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Sent via E-mail

Dear Mr. Kerr:

The National Institutes of Health (NIH) has reviewed your August 5, 2024 letter to Dr. Monica Bertagnolli, the Director of the NIH, and Dr. Avenevoli, the Director of the National Institute of Mental Health (NIMH). As the NIH Legal Advisor, I am responding on their behalf.

In the letter, you requested that NIH provide PETA with access to real-time audiovisual communications from rhesus macaques in Elisabeth Murray, Ph.D.'s laboratory at NIMH. Dr. Murray's laboratory does not utilize a real-time audiovisual feed of the macaques housed at NIMH that is technologically capable of being transmitted to third parties. The rhesus macaques live in a social group housing space at NIMH, and this space does not utilize audiovisual technology. There is limited audiovisual technology that monitors the rhesus macaques after the macaques are moved to the laboratory space, and this technology is only in use when the macaques are actively in an experiment. This technology may be used to monitor the rhesus macaques for up to 30 minutes until the conclusion of the experimental session, after which the rhesus macaques are moved back to the social group housing space. We are happy to provide a detailed explanation of the three circumstances when audiovisual technology is used in Dr. Murray's laboratory to monitor the rhesus macaques:

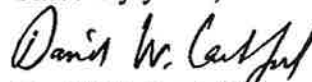
1. The rhesus macaques are moved from social group housing to individual cubicles for an observational experiment monitoring response to touch screens. There is closed-circuit television monitoring, including audio, of the macaques while they are on the touch screens. The audio is used to ensure pellets are being dispensed into the food cups in the cubicles; the macaques usually do not make any sounds. The closed-circuit television is viewed in a separate room by the researchers to monitor the activity. The closed-circuit television does not display much of the macaques; the television usually only displays the top of a macaque's head, the macaque's arm, and the food cup. There is no audiovisual recording produced.

2. The rhesus macaques are moved from social group housing to a cubicle for an experiment that involves recording a macaque's pupil diameter and eye tracking. There are several cameras positioned, but only on the macaque's eyes. The camera converts what it is viewing into digitized information about pupil diameter and eye position. There is no audiovisual recording of the actual images captured by the cameras, but the cameras produce records consisting of numerical data about the eyes.
3. The rhesus macaques are moved from social group housing into a laboratory space for experiments that study how two macaques react to each other in two different scenarios:
 - a. One scenario has three cameras recording a cage with two rhesus macaques in the cage, where the entire cage is visualized. The movements of the macaques are viewed and machine learning labels the behaviors. There is also audio capability. These videos are recorded for staff note-taking purposes and are not retained after verification of the successful creation of the final note file.
 - b. Another scenario has three cameras recording a cage with two rhesus macaques in the cage, where the entire cage is visualized to see how the macaques react to each other's behaviors. There is also audio capability. Research staff watch the macaques. The videos are recorded for staff note-taking purposes and if the events need to be re-watched or if a staff member is not present and needs to score after the fact, and these recordings are not retained after verification of the successful creation of the final note file.

To summarize, the audiovisual technology used by Dr. Murray's lab to monitor macaques only is used during active observational experimentation in the laboratory space and consists of closed-circuit television, eye tracking and pupil diameter numerical data, and video recordings for note-taking purposes. The recordings are not retained after verification of the successful creation of the final file. As the only real-time audiovisual technology used in Dr. Murray's laboratory is closed-circuit television, which is not capable of being transmitted to third parties, NIMH and NIH are unable to fulfill your request.

As an alternative, PETA is welcome to submit a FOIA request for any audiovisual recordings or corresponding files of the rhesus macaques in Dr. Murray's laboratory that are available at the time of the request.

Sincerely yours,



David W. Lankford
Deputy Associate General Counsel
for Public Health, NIH